



## **Public Safety & Transportation Committee Report**

### **City of Newton** **In City Council**

**Thursday, May 5, 2016**

Present: Councilors Ciccone (Chair), Fuller, Yates, Harney, Norton, Cote, Blazar and Lipof

Absent: Councilors Fuller, Norton and Lipof

Also Present: Councilor Baker

City Staff: Chief David MacDonald, Newton Police Department

### **Referred to Public Safety & Transportation and Finance Committees**

#### **#197-15(2)    Pilotless Aircraft Operation**

Councilors Albright, Baker, and Norton proposing an ordinance regulating the operation and registration of pilotless aircraft in the City of Newton. [04/07/16 @ 4:25 PM]

**HELD 7-0 on 04/20/16**

**Action:            APPROVED 5-0**

**Note:**            Chief MacDonald and Councilor Baker joined the Committee for discussion on this item.

Chair Ciccone stated that the item was previously held pending recommendations on registration costs and penalty fees.

Committee members were provided with a revision to the draft Pilotless Aircraft Ordinance, attached to this report. The draft includes proposed fees for consideration including a registration fee of \$10.00 and penalty fee of a warning for the first offense and a fine of \$50.00 for each offense thereafter.

Councilor Baker stated that the software program used to register the drones in the City Clerk's office would be compatible for the Newton Police Department to gain access. He then said that this revised draft addresses a previous concern in section (4), which has been clarified.

FROM: Permit Required: No person shall use public property to launch or land a pilotless aircraft without a permit issued by the appropriate jurisdictional Department, Board or Commission of the City of Newton.

TO: Permit May be Required: A permit may be required to use land maintained by the Parks and Recreation Department or the Conservation Commission to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head or the Conservation

Commission, or designee.

Without discussion, Councilor Blazar made a motion to approve this item. Recommending the registration fee of \$10.00 and penalty fee of a warning for the first offense and a fine of \$50.00 for each offense thereafter. Committee members agreed 5-0.

At approximately 10:30 pm, Councilor Yates made a motion to adjourn. Council members agreed 5-0.

**Respectfully submitted,**

**Allan Ciccone, Jr. Chair**

**ITEM # 197-15(2): DRAFT ORDINANCE FOR DISCUSSION PURPOSES**

Add the following new section:

**Sec. 20-64. Pilotless Aircraft Operation.**

Purpose: The use of pilotless aircraft has become increasingly prevalent and has a significant impact on the safety and security of the people of the City of Newton. In order to protect the privacy of residents throughout the City, and to prevent nuisances and other disturbances of the enjoyment of both public and private space, regulation of pilotless aircraft is required. The following section is intended to promote the public safety and welfare of the City and its residents. In furtherance of its stated purpose, this section is intended to be read and interpreted in harmony with all relevant rules and regulations of the Federal Aviation Administration, and any other federal, state and local laws and regulations.

(1) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated without direct human contact from within or on the aircraft.

(2) Registration: The owner of a pilotless aircraft shall register each pilotless aircraft with the City Clerk's office, prior to operation. The cost of registering a pilotless aircraft shall be \$10.00. Owners must have proof of registration in their possession when operating a pilotless aircraft. Registration shall include the following:

- (a) The owner's name, address, email address and phone number;
- (b) The make, model, and serial of each pilotless aircraft to be registered;
- (c) A copy of the owner's Federal Aviation Administration Certificate of Registration for pilotless aircraft;
- (d) A photograph of each pilotless aircraft, clearly indicating that each pilotless aircraft is marked with the Federal Aviation Administration registration number.

(3) Operating Prohibitions. The use and operation of all pilotless aircraft within the City shall be subject to the following prohibitions.

- (a) No pilotless aircraft shall be operated:
  - (i) over private property at an altitude below 400 feet without the express permission of the owner of said private property;
  - (ii) at a distance beyond the visual line of sight of the Operator;
  - (iii) in a manner that interferes with any manned aircraft;

- (iv) in a reckless, careless or negligent manner;
- (v) over any school, school grounds, or other City property or sporting event without prior permission from the City, unless a permit is required as in Section 4, below;
- (vi) for the purpose of conducting surveillance unless expressly permitted by law or court order;
- (vii) for the purpose of capturing a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;
- (viii) over any emergency response efforts;
- (ix) with the intent to harass, annoy, or assault a person, or to create or cause a public nuisance;
- (x) in violation of federal or state law, or any Ordinance of the City of Newton.

(b) The Chief of Police, or designee, may prohibit the use or operation of pilotless aircraft where it is allowed, or allow the operation of pilotless aircraft where it is prohibited, during an impending or existing emergency, or when such use or operation would pose a threat to public safety.

(4) Permit May be Required: A permit may be required to use land maintained by the Parks and Recreation Department or the Conservation Commission to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head or the Conservation Commission, or designee.

(5) Noise Ordinance: All Operators shall comply with the Noise Ordinance at Section 20-13, as amended, at all times while operating pilotless aircraft within the City.

(6) Penalties: A violation of any section of this Ordinance shall result in a warning for the first offense and shall be punishable by a fine of \$50.00 for each offense thereafter.

(7) Separate Violations: Action taken pursuant to this section shall not bar any separate action by any other City Department for any other violations.

(8) Severability: If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.

(9) Regulations: The City and its Departments may promulgate rules, regulations and policies for the implementation of this Ordinance.